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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,288	07/20/2001	Hiroaki Kitano	450100-3752.1	1721
20999	7590	07/31/2003	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, STEVEN H D	
ART UNIT		PAPER NUMBER		
2665		8		
DATE MAILED: 07/31/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/910,288	KITANO ET AL.	
	Examiner	Art Unit	
	Steven HD Nguyen	2665	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 14 May 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 1-5 are withdrawn in view of the newly discovered reference(s) to Numagami. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At lines 13, The recitation “receiving means” is vague and indefinite because it’s unclear if it refers to – receiving means – at line 8. Please clarify, so the meter and boundary of the claimed can be determined. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Numagami (USP 5155774).

Numagami discloses (Figs 1-6 and col. 1, lines 5 to col. 4, lines 44) an information retrieval apparatus for retrieving information from a data base (Fig 1, Ref 6 is include an image and location of the image such as longitude, latitude and height) which contains at least position data and image data comprising location detection means for detecting a current position location of the apparatus (Fig 1, Ref 4 is GPS); transmitting means for transmitting the detected current position to the data base (Fig 1, the link between the ref 4 and 6); reception means for receiving the image data corresponding to the position data representing positions in the vicinity of the detected current position location (Fig 1, Ref 5); image means for obtaining an image (Fig 1, Ref 1 is a camera for capturing the image) and checking means (Fig 1, Ref 5) for checking a match between the received image and the obtained image and displaying means (Fig 1, Ref 3) for displaying the received image after matching with the obtained image.

6. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Bouve (USP 5682525).

Bouve discloses (Fig 1-12 and col. 1, lines 5 to col. 14, lines 55) an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a database (Fig 1, ref 12 is a database which has a registration data including a position data such longitude and latitude, a geographic vicinity having the items of interest for retrieving an additional information; col. 2, lines 10-63) which contains registration data including at least position data and designation information for retrieval of additional information comprising location detection means (Fig 8, Col. 10, lines 61

to col. 11, lines 14 a mobile device has a GPS for detecting the current position coordination of the mobile device) for detecting a current position location of information retrieval apparatus and a transmitting means for transmitting the detected current position location to the database; receiving means for receiving said designation information corresponding to the selected data for retrieving said addition information, said the selected data having position data representing positions in the vicinity of the detected position location; checking means for checking whether user's manual operations is need to acquire the addition information corresponding to the said designation information (Fig 1, Ref 10 has a selecting means for selecting data from the database 12 which corresponding the current position of the mobile device wherein the selected data has a geographic vicinity of the current detected position of the mobile device including the items of interest which uses to retrieve additional information; col. 2, lines 10-63); receiving means for receiving addition information based on the designation information and display means for display the addition information (Col. 13, lines 50 to col. 14, lines, 19 for checking if the user click "manual operation" one of the designation information to acquire the additional information from the database, See Fig 12).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve (USP 5682525) in view of Numagani (USP 5155774).

Regarding claims 1 and 5, Bouve discloses an information retrieval apparatus for retrieving information from a data base which contains registration data including position data, image data and designation information for retrieval of additional information wherein said designation information corresponding to said image data for retrieving said additional information (col. 1, lines 60 to col. 3, lines 52), a camcorder for capturing data (Col. 13, lines 50 to col. 14, lines 19) and GPS for determining the location of the information retrieve apparatus (col. 10, lines 60 to col. 11, lines 29). However, Bouve fails to disclose selection means for selecting image data from said data base which corresponds to the image obtained by said imaging means, said image data having position data representing positions in the vicinity of the current position location detected by said location detection means. In the same field of endeavor, Numagani discloses (Figs 1-6 and col. 1, lines 5 to col. 4, lines 44) an imaging means for obtaining an image (Fig 1, Ref 1 a camera for capturing an image); location detection means for detecting a current position location of said information retrieval apparatus (Fig 1, Ref 4); and selection means for selecting image data from said data base which corresponds to the image obtained by said imaging means, said image data having position data representing positions in the vicinity of the current position location detected by said location detection means for displaying (Figs 1-2).

Since, Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images and Bouve suggest a camcorder, video capture and digital devices. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention was made to apply a method of capturing a image data from an camera and using the determined location from a GPS device to retrieve image from a database and comparing the captured and retrieved image to select a image corresponding with the location as disclosed by Numagami's system into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

Regarding claim 2, Bouve discloses reception means for receiving the image data and the designation information via a computer network (Fig 1).

Regarding claim 3, Bouve discloses reception means has a portable telephone function and is connected to the computer network via a telephone line (Fig 8).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve and Numagami as applied to claim 1 above, and further in view of Hudetz (USP 5978773).

Regarding claim 4, Bouve and Numagami do not disclose the claimed invention. In the same field of endeavor, Hudetz discloses a method and apparatus for retrieving the internet address of a product by using UPC code on a product by a digital device and click on the button to access the designated information (Read on the designation information is a URL for specifying information stored in a server of a world wide web build up on the Internet; See Fig 1, 4 and 6).

Since, Bouve suggests that the user can access addition information by click on the selected item. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of associating an URL with the request information in order to allow the user to access additional information as disclosed by Hudetz's

system and method into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve (USP 6415291) in view of Hudetz (USP 5978773).

Bouve discloses (Fig 1-12 and col. 1, lines 20 to col. 14, lines 57) an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a database (Fig 1, ref 12 is a database which has a registration data including a position data such longitude and latitude, a geographic vicinity having the items of interest for retrieving an additional information; col. 2, lines 12-67) which contains registration data including at least position data and designation information for retrieval of additional information comprising location detection means (Fig 8, Col. 10, lines 64 to col. 11, lines 17 a mobile device has a GPS for detecting the current position coordination of the mobile device) for detecting a current position location of information retrieval apparatus and a transmitting means for transmitting the detected current position location to the database; receiving means for receiving said designation information corresponding to the selected data for retrieving said addition information, said the selected data having position data representing positions in the vicinity of the detected position location; (Fig 1, Ref 10 has a selecting means for selecting data from the database 12 which corresponding the current position of the mobile device wherein the selected data has a geographic vicinity of the current detected position of the mobile device including the items of interest which uses to retrieve additional information; col. 2, lines 12 to col. 3, lines 57); receiving means for receiving addition information based on the designation information and display means for display the addition information (Col. 13, lines 50 to col. 14, lines 21 for checking if the user click "manual operation" the designation information

to acquire the additional information from the database). However, Bouve fails to fully disclose a checking for checking if the user manually clicks on the URL to acquire the additional information. In the same field of endeavor, Hudetz discloses a method and apparatus for retrieving the internet address of a product by using UPC code on a product by a digital device and click on the button to access the designated information (Read on the designation information is a URL for specifying information stored in a server of a world wide web build up on the Internet; See Fig 1, 4 and 6).

Since, Bouve suggests that the user can access addition information by click on the selected item. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of associating an URL with the request information in order to allow the user to access additional information as disclosed by Hudetz's system and method into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

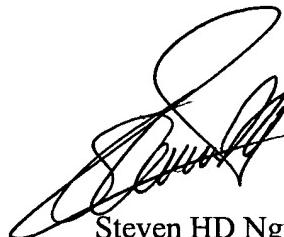
Shimura (USP 5644765) discloses a method and apparatus for matching a stored image with an obtained image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
July 26, 2003